

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE
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ADDRESSED TO: COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON,
D.C. 20231 ON June 13, 2002

AGENT/ATTORNEY FOR APPLICANT

13 June 2002
DATE



Attorney Docket No.: C70366

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Baker et al.

Serial No.: 09/786,492

Group Art Unit No.: Unknown

Int. Filing Date: 31 August 1999

Examiner: Unknown

For: Novel Composition and Use

Assistant Commissioner of Patents
Washington, D.C. 20231

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PETITION UNDER 35 USC § 1.181

Sir:

Applicants respectfully petition the Commissioner under the provisions of 37 CFR §1.181 for withdrawal of the holding of abandonment indicated in the Notice of Abandonment, mailed 28 May 2002 (copy enclosed) in the above noted application.

Applicants properly entered the United States Patent Office on 6 March 2001 under the provisions of 35 USC §371. As noted above, Applicants did not receive a Notice of Missing Requirements, for which the alleged mail date was 3 April 2001. The first communication received from the USPTO in this application is the Notification of Abandonment, mailed 28 May 2002 (copy enclosed).

Upon receipt of the Notice of Abandonment, the Attorney of Record's assistant, Maureen Fitzpatrick telephoned the PCT Help Desk on 10 June 2001 and requested a copy of the notification of Missing Requirements in order to fully ascertain what was missing. Ms. Fitzpatrick was told by "Derek" to file this petition and if accepted the notification of Missing Requirements would be reissued. Ms. Fitzpatrick was also told by "Derek" that the Missing Requirement was the Declaration of the Inventors.

This paper encloses docketing reports and a statement by Applicants attorney. The undersigned hereby attests that a search of the file jacket and docket records indicates that the notification of Missing Requirements of 3 April 2001 was never received. A copy of the docket record will indicate under ACTIONS where the non-received Notice from the USPTO would have been entered.

In response to the oral communication by a PCT representative that the missing requirement is the Declaration of Inventors, attached herewith is the fully executed

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25 JAN 2005

Legal Staff
International Division

Declaration. Applicants respectfully request a photocopy of the Missing Requirements for their files and to ascertain if any additional papers are necessary to complete said requirements.

As this petition is being made under the provisions of 37 CFR § 1.181 no petition fee is believed due. However, if this is not the case, the Commissioner is hereby authorized to debit Deposit Account 19-2570, accordingly.

Should the Examiner have any questions or wish to discuss any aspect of this case, the Examiner is encouraged to call the undersigned at the number below.

Respectfully submitted,



Dara L. Dinner
Attorney for Applicants
Registration No. 33,680

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12/06/2002

Patent Information Print

Sub Stat	Published	Case Type
Sub Stat Dt	16MR2000	Relation Type
Current Owner	SMITHKLINE BEECHAM PLC	Filing Type
Status	Filed	Filing No
Parent Country	Patent Cooperation Treaty	Client\Divisio

Regular
Original Filing
Patent Cooperation Treaty

Consumer Division
DARA L DINNER
SUE WHITE

Parent No	PCT/EP99/06423	Agent
Application #	09/786492	Attorney
Patent No		Ind. Claims
Publication #		Parent Grant D
Conv Type	PCT Convention	Prev Own
First Filing D	09SE1998	Assigned
Total Claims		Associate
Parent Filing	31AU1999	Oper Grp
Application Dt	31AU1999	Ag Ref No
Grant Dt		Verified
Publication Dt		Customer
Expiration Dt		Create Dt
Tax Base Dt		Update Dt
Next Tax Dt		Update Tm
Docket No	C70366	Update User
Country	United States	Update Type

NORMAL FILING

UNITED KINGDOM

N
SKPP
26FE2001
03JE2002
2058
JDC

Actions

Action	FILE IN US 30TH	Comp Dt	06MR2001
Act Due Date	09MR2001	Resp Atty #1	
Taken Dt		Resp Atty #2	
DeadLn Dt	09MR2001		
Action	INFO DISC	Comp Dt	06MR2001
Act Due Date	09JE2001	Resp Atty #1	
Taken Dt		Resp Atty #2	
DeadLn Dt			
Action	CONFIRM AB	Comp Dt	
Act Due Date	28JE2002	Resp Atty #1	
Taken Dt		Resp Atty #2	
DeadLn Dt	28AU2002		

Description

Description
NOVEL COMPOSITION AND USE
PCT (ASTLBRAZCANACHINCZECEURAJAPAKORSMEKINEXWZPOLA
UKRAUSAEPC) EPC (ATRABELGDENMFINLFRANGERMGBRIGREC
IRELITALLUXEMONANETHPORTSLOVSPAISWEDSWIT) HONG KONG
VIA EP APPLICATION NAT (ARGECOLOMAYSNIGEPAKIPHILGCC T
HAI
TAIWENE) HONGKONG VIA EPC

Inventors

Inv Name	NICOLA J BAKER	Assigned
Inv Name	DAVID M PARKER	Assigned

Title

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PCMaster v3.03.01 - SmithKline Beecham - [Patent]

File Edit Records Utilities Tools Help

Docket Number: C70366
Country: United States
Case Type: Regular
Relation Type: Original Filing
Filing Type: Patent Cooperation Treaty
Filing Number:
Attorney: SUE WHITE
Agent: DARA L DINNER
Client Division: Consumer Division
Current Owner: SMITHKLINE BEECHAM PLC
Previous Owner:
NOVEL COMPOSITION AND USE

Inventors		Licenses		Other No's		Related Id		Title		Term	
Filing Data		Related Party Info		Actions		Description		Expenses		Ext Files	
Action	Related Party Info	Action Due Date	Taken Date	Deadline Date	Completed Date	Responsible Atty #1					
FILE IN US 30TH	OSMR2001	09MR2001		09MR2001	06MR2001						
INFO DISC	OSJE2001	09JE2001			06MR2001						
CONFIRM AB	26JE2002			28AU2002							

Created: 26FE2001 Updated: 03JE2002 6:58 PM B7 JDC

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www.uspto.gov

U.S. APPLICATION NUMBER NO. 09/786,492	FIRST NAMED APPLICANT Nicole Baker	ATTY. DOCKET NO. C70366
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INTERNATIONAL APPLICATION NO. PCT/EP99/06423

I.A. FILING DATE 08/31/1999	PRIORITY DATE 09/09/1998
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Dara L Dinner
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CONFIRMATION NO. 8733

371
ABANDONMENT/TERMINATION
LETTER



Date Mailed: 05/28/2002

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as an Elected Office (37 CFR 1.495), has made the the following determination:

- Applicant has failed to properly respond to the notification of MISSING REQUIREMENTS, mailed 04/03/2001 within the time period set therein. See the attached NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916).

2002 JUN -3 12:12
GLAXOSMITHKLINE

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

PATRICIA A BOOKER

Telephone: (703) 305-3738

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

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